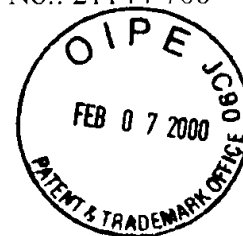


# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION



As below named inventors,

We hereby declare that our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHODS OF REVERSING DRUG RESISTANCE IN CANCER CELLS, the specification of which

\_\_\_\_\_ is attached hereto.

X was filed on November 12, 1999 and assigned  
Application Serial Number 09/439,293.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications for patent or inventor's certificate, listed below and so identified, and we have also identified below any foreign application for patent or inventor's certificate on this invention filed by us or our legal representatives or assigns and having a filing date before that of the application on which priority is claimed.

Number	Country	Day/Month/ Year Filed	Priority Claimed - Yes or No

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No.	Filing Date	Status

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) below.

Provisional Application No.	Filing Date	Status

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

We hereby appoint the following attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls with respect to this application be directed to McCUTCHEN, DOYLE, BROWN & ENERSEN, LLP Three Embarcadero Center, San Francisco, California 94111, Telephone No. (415) 393-2000:

Attorney	Registration No.
John W. Calkins	P43,523
Darren E. Donnelly	44,093
Carol M. Gruppi	37,341
J. David Hadden	40,629
Emily M. Haliday	38,903
Richard Hung	P43,684
Margaret Chu Ikeya	P43,549
Michael J. Shuster	41,310
Nina K. Srejovic	40,342
William E. Thomson, Jr.	20,719
Rajiv Yadav	43,999

Full name of first inventor: Myles C. Cabot

Inventor's signature:

Myles C. Cabot

Date:

Jan 13, 2000

Residence and  
Post Office Address:

809 South Bundy Drive  
Los Angeles, CA 90049

Citizenship:

U.S.

Full name of second inventor: Yong -Yu Liu

Inventor's signature:

Yong -Yu Liu

Date:

Jan 13, 2000

Residence and Post  
Office Address:

3326 Sawtelle Blvd.  
Los Angeles, Apt-2, CA 90066

Citizenship:

China



**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John Wayne Cancer Institute  
Application No.: 09/439,293  
Filed or Issued: November 12, 1999  
For: METHODS OF REVERSING DRUG RESISTANCE IN  
CANCER CELLS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 C.F.R. §§ 1.9(f) AND 1.27(c)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: John Wayne Cancer Institute  
Address: 2200 Santa Monica Boulevard  
Santa Monica, CA 90404

**Type of Organization**

- ☐ University or other institution of higher education
- ☒ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3) if located in the United States of America.
- ☐ Nonprofit scientific or educational under statute of state of The United States of America.

Name of State: \_\_\_\_\_

Citation of Statute: \_\_\_\_\_

- ☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3) if located in the United States of America.

( ) Would qualify as nonprofit scientific or educational under statute of state of The United States of America.

Name of State: \_\_\_\_\_

Citation of Statute: \_\_\_\_\_

I hereby declare that the above identified nonprofit organization qualifies as a nonprofit organization as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(e), for purposes of paying reduced fees under § 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization identified above with regard to the invention, entitled METHODS OF REVERSING DRUG RESISTANCE IN CANCER CELLS by inventors Miles C. Cabot and Yong-Yu Liu described in

- ( ) the specification filed herewith  
(X) application Serial No. 09/439,293, filed November 12, 1999.  
( ) Patent No. [ ], issued [Date].

If the rights held by the above identified nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a independent inventor under 37 C.F.R. § 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_  
( ) Individual ( ) Small Business Concern ( ) Nonprofit Organization

<sup>1</sup>NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 C.F.R. § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of person signing: James W. Hardin, Ph.D.

Title of person  
other than owner: Executive Vice President &  
Chief Operating Officer

Address of person signing: John Wayne Cancer Institute  
2200 Santa Monica Boulevard  
Santa Monica, CA 90404

Signature: James W. Hardin

Date: Jan 13, 2000